1947.

File No. O: Growth of Foodcrops 47

Legal **DEPARTMENT**

A **BRANCH**

K

Subject.— Opinions under the Bombay Growth of Foodcrops Act, 1944.

P 3 E

File No. O. Growth of Foodcrops/47

Stl. Sectt. Slip 24 B a.

420 - A.

K

CONTENTS.

Legal Department File No.O.Growth of Food crops47

Sr. No.	Compilation No.	Subject.	pages.
		Opinions under the Bombay Growth of Food crops Act, 1944.	
1.	O.No.7630 23.7.1947.	Section 4 whether different proportion of cultivator' s holding can be prescribed for a particular class of holding.	1-2-

14-5-56

The Bombay Growth ofFoodcrops Act, 1944 (Bom.VIII of 1944) has been applied to areas mentioned in the margin of the R.D. note dated 13.6.1947 at p. 17 ante and the maximum proportion of non-food crop and minimum proportion of foodcrops is stated there against the areas. The sugar factories in those areas had also to grow food crops and sugarcane in the same proportion but it appears a concession was given to them by administrative orders to grow food crop and sugarcane in the proportion of 1:1. It is now proposed by R.D. to continue this proportion for 1947-48 by a statutory notification (instead of by executive orders) in the case of sugar factories in those areas. R.D. however, considers that it will not be feasible to notify this 50:50 proportion only in the case of sugar factories as the proportion which is prescribed for any village, taluka or district will apply to all the holdings in the area and it does not seem that different proportion can be prescribed for a particular classof holding e.g. holdings of sugar factories. The R.L.A. is requested to advise in the matter.

3. Section 4 of the Bombay Growth of Foodgrops Act, 1944, provides that if the Provincial Government is satisfied that it is necessary in the interestsof the Province to increase the production of scheduled foodcrops in any local area it may by an order published in the official gazette and in such other manner as it may consider expedient —

(a) prescribe the minimum proportion of the cultivator's holding in which scheduled foodgrops shall be grown after the date of the order in any cultivator's holding in that area during the twelve months immediately following the date of the order;

(b) prescribe the proportion in excess of which scheduled non-foodcrops shall not be grown after the date of the order in any cultivator's holding in that area during the twelve months immediately following the date of the order.

It appears that provisions of section 4 are wide enough to exclude any holdings in the said area and fix a different proportion for such holdings. Government has not only power to prescribe a certain proportion for a particular village, taluka or district but it has also power to fix any other proportion for a particular class of holdings e.g. holdings of sugar Companies. R,C.D. order No.847-G, datedthe 6th May 1947 (and other similar orders) prescribed that the Government has prescribed a certain minimum proportion of the cultivator's holding in which ~~xx~~ scheduld crop shall be grown and a certain maximum proportion in excess of which scheduled non-foodcrops shall not be grown, in any cultivator's holding in the areas statedin the schedule. If R.D. proposes to fix an entirely different proportion say 50: 50 in respect of holdings owned by the sugar companies in these areas, it can be done so by amending the notification suitably for the purpose. ~~Xxx~~ The view taken by R.C.D., at pages 3-4 ante, doesnot appear to be correct.

Sd/-
Remembrancer of Legal Affairs.

U.R. to R.C.D., No.7690, dated the 23rd July 1947..